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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,872

09/25/2003

Farni Weaver

2244

5789

28005

7590

04/20/2006

EXAMINER

PHUONG, DAI

SPRINT

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KSOPHT0101-Z2100

OVERLAND PARK, KS 66251-2100

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,872

Applicant(s)

WEAVER ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 19-24, 30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 19-24, 30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/25/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 02/17/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 4-18, 25-29 and 31 have been canceled and claims 35-37 have been added. Claims 1-3, 19-24, 30 and 32-37 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verteuil (Pub. No: 20040219932).

Regarding claim 1, Verteuil discloses a method comprising: determining a current location of a mobile station 102 (fig. 1, [0034] and [0037]); making a comparison of the current location to a designated location ([0041]); and based on the comparison, computing a next time to determine an updated location of the mobile station ([0041]), wherein making the comparison comprises estimating a distance between the current location and the designated location ([0041]), wherein computing the next time to determine the updated location of the mobile station comprises estimating a time interval to travel the distance between the current location and the designated location ([0041]), wherein estimating the time interval to travel the distance

between the current location and the designated location comprises using a predefined travel time that corresponds to traveling the distance between the current location and the designated location ([0041] and [0051] to [0054]).

However, Verteuil does not teach wherein computing the next time to determine the updated location of the mobile station comprises calculating **a percentage of the predefined travel time**. The examiner takes Official Notice that it is old and well-known in the art to compute the next time to determine the updated location of the mobile station comprises calculating a percentage of the predefined travel time in order to make convenience for the mobile users. Therefore, it would have been obvious for one of ordinary skill at the time of invention to compute the next time to determine the updated location of the mobile station comprises calculating a percentage of the predefined travel time in Verteuil, to present to the mobile users a picture of travel time from starting point to the interest point.

Regarding claim 2, Verteuil discloses all the limitations in claim 1. Further, Verteuil discloses wherein the determining, making and computing functions are carried out by a network server (fig. 1, [0030] to [0032]), and wherein determining the current location of the mobile station comprises receiving from a location determination system an indication of the current location of the mobile station (fig. 1, [0037] to [0041]).

Regarding claim 3, Verteuil discloses all the limitations in claim 1. Further, Verteuil discloses wherein the determining, making and computing functions are carried out by the mobile station (fig. 1, [0034]), and wherein determining the current location of the mobile station comprises; sending a position determination request into a network (fig. 1, [0037] to [0041]); and

receiving from the network an indication of the current location of the mobile station (fig. 1, [0037] to [0041]).

Regarding claim 19, Verteuil discloses all the limitations in claim 1. Further, Verteuil discloses further comprising repeating the steps of claim 1 until the mobile station is located within a range of the designated location (fig. 2, [0041] to [0043] and [0047] to [0054]).

Regarding claim 20, Verteuil discloses all the limitations in claim 19. Further, Verteuil discloses wherein the range is a distance ([0041]).

Regarding claim 21, Verteuil discloses all the limitations in claim 19. Further, Verteuil discloses wherein the range is an amount of time to travel from the current location to the designated location ([0041]).

Regarding claim 22, Verteuil discloses all the limitations in claim 19. Further, Verteuil discloses further comprising repeating the steps of claim 1 until the mobile station is located at the designated location (fig. 2, [0041] to [0043] and [0047] to [0054]).

Regarding claim 23, Verteuil discloses all the limitations in claim 19. Further, Verteuil discloses further comprising once the next time is less than a threshold, stop repeating the steps of claim 1 (fig. 2, [0041] to [0043] and [0047] to [0054]).

4. Claims 24, 30, 32-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verteuil (Pub. No: 20040219932) in view of Hollenberg (U.S. 6091956).

Regarding claim 24, Verteuil discloses all the limitations in claim 19. However, Verteuil does not disclose further comprising sending content to the mobile station once the mobile station is located within a range of the designated location.

In the same field of endeavor, Hollenberg disclose further comprising sending content to the mobile station once the mobile station is located within a range of the designated location (col. 12, lines 43 to col. 13, line 63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile unit of Verteuil by specifically including disclose further comprising sending content to the mobile station once the mobile station is located within a range of the designated location, as taught by Hollenberg, the motivation being in order to provide services and time-critical information about places and events to mobile computers and their users proximate to their current locations or potential destinations within an areas.

Regarding claim 30, Verteuil discloses a system comprising: a location determining element (fig. 1, [0034]) arranged to: (a) determine when the mobile station is located within the range (fig. 1 and fig. 2, [0050] to [0054]); and (b) responsively inform the content serving element when the mobile station is located within the range, wherein the location determining element determines when the mobile station is located within the range by performing a process comprising: (i) determining a current location of the mobile station ([0034]), and (ii) if the current location is not within the range, computing a next time to determine an updated location of the mobile station by estimating a travel time required for the mobile station to travel from the current location to the designated location and at the next time, repeating from step (i) (fig. 1 and fig. 2, [0050] to [0054]).

However, Verteuil does not teach **calculating a percentage of the travel time**. The examiner takes Official Notice that it is old and well-Known in the art to calculate a percentage of the travel time in order to make convenience for the mobile users. Therefore, it would have

been obvious for one of ordinary skill at the time of invention to calculate a percentage of the travel time in Verteuil, to present to the mobile users a picture of travel time from starting point to the interest point.

However, Verteuil does not disclose a content serving element that stores content associated with a designated location and sends the content to a mobile station when the mobile station is located within a range of the designated location.

In the same field of endeavor, Hollenberg disclose a content serving element that stores content associated with a designated location and sends the content to a mobile station when the mobile station is located within a range of the designated location (col. 12, lines 43 to col. 13, line 63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile unit of Verteuil by specifically including a content serving element that stores content associated with a designated location and sends the content to a mobile station when the mobile station is located within a range of the designated location, as taught by Hollenberg, the motivation being in order to provide services and time-critical information about places and events to mobile computers and their users proximate to their current locations or potential destinations within an areas.

Regarding claim 32, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. Further, Verteuil disclose wherein the location determining element estimates the travel time by: requesting the travel time from a geoserver ([0050] to [0054]); and receiving the travel time from the geoserver ([0050] to [0054]).

Regarding claim 33, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. Further, Verteuil discloses wherein the content serving element includes a plurality of content, where each content is associated with a respective designated location, and wherein given content is sent to the mobile station once the mobile station is approximately located at the respective designated location of the given content (fig. 1, [0031] to [0035]).

Regarding claim 34, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. Further, Hollenberg discloses wherein the content is selected from the group consisting of advertisements, solicitations, and coupons (col. 12, lines 43 to col. 13, line 63).

Regarding claim 37, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. Further, Verteuil discloses wherein requesting the time interval from the geoserver comprises sending information indicative of the current location and the designated location to the geoserver ([0050] to [0054]).

5. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verteuil (Pub. No: 20040219932) in view of Hollenberg (U.S. 6091956) further in view of Eldering et al. (Pub. No: 2002011154).

Regarding claim 35, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. However, the combination of Verteuil and Hollenberg do not disclose wherein the content is sent to the mobile station through short message service (SMS) messaging.

In the same field of endeavor, Eldering et al. disclose wherein the content is sent to the mobile station through short message service (SMS) messaging ([0071]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile unit of the combination of Verteuil and Hollenberg by specifically including wherein the content is sent to the mobile station through short message service (SMS) messaging, as taught by Eldering et al., the motivation being in order to deliver advertisement to users based on their location.

Regarding claim 36, the combination of Verteuil and Hollenberg disclose all the limitations in claim 30. However, the combination of Verteuil and Hollenberg do not disclose wherein the content is sent to the mobile station through wireless application protocol (WAP) push messaging.

In the same field of endeavor, Eldering et al. disclose wherein the content is sent to the mobile station through wireless application protocol (WAP) push messaging ([0015]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile unit of the combination of Verteuil and Hollenberg by specifically including wherein the content is sent to the mobile station through wireless application protocol (WAP) push messaging, as taught by Eldering et al., the motivation being in order to deliver advertisement to users based on their location.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.


Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 26817

Date: 04-13-2006


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER